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NOTICE OF ALLOWANCE AND FEE(S) DUE

23623

7590

11/14/2008

AMIN, TUROCY & CALVIN, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

EXAMINER

DENG, ANNA CHEN

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 11/14/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,545	03/31/2004	Ram P. Mohan	FOPSP102USB	7182

TITLE OF INVENTION: METHOD AND SYSTEM FOR DEVELOPING SOFTWARE USING NODES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	02/17/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23623 7590 11/14/2008
AMIN, TUROCY & CALVIN, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$755	\$300	\$0	\$1055	02/17/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
DENG, ANNA CHEN	2191	717-100000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			DENG, ANNA CHEN	
			ART UNIT	PAPER NUMBER
			2191	
DATE MAILED: 11/14/2008				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 762 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 762 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/815,545

Applicant(s)

MOHAN ET AL.

Examiner

ANNA DENG

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/19/2008.
2. ☒ The allowed claim(s) is/are 1-14, 16, 18, 21, 23 and 27-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This action is in response to amendment filed on 6/19/2008.
2. The rejection under 35 U.S.C. 103 (a) as being unpatentable over SoftWire (**SW**) Graphical Programming as taught in USPN #6,425,121 B1 issued July 23, 2002 and filed June 14, 2000 in view of Visual Basic 6 (**VB**) as documented in Rob Thayer's text book Visual Basic Unleashed (September 11, 1998). SoftWire states the invention is an add-on to Visual Basic (SW, col 2, lines 1-16 and col 6, lines 37 - 53) in further view of Template Software's Workflow system Chapter 9 from 1998 (**WFT**) and in view of USPN # 6,810,401 B1, Thompson et al, issued October 26, 2004, filed October 10, 2000 with Provisional priority to October 8, 1999, to claims 1-23, and 27-40 is withdrawn in view of applicant's amendment.
3. Claims 1, 21, 23, and 36 have amended (see Examiner's Amendment below).
4. Claims 15, 17, 19-20, and 22 have been canceled (see Examiner's Amendment below).
5. Claims 1-14, 16, 18, 21, 23, and 27-40 are pending.
6. Claims 1-14, 16, 18, 21, 23, and 27-40 are allowed.

EXAMINER'S AMENDMENT

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bhavani Rayaprolu (Reg. No. 56,583) on 10/24/2008 to place the application in condition for allowance.

The application has been amended as follows:

In the Claims:

Claims 15, 17, 19-20, and 22 have been canceled.

Claims 1, 21, 23, and 36 have been replace as following:

1. (Currently Amended) A method for creating software, comprising:
providing a plurality of nodes and a directory of applications, each of an application being created by use of at least a portion of the plurality of the nodes;
wherein the at least a portion of plurality of nodes includes at least one task node interfaces with external components to exchange data information;
selecting at least a portion of the plurality of nodes to create a selected node layout that represent a plurality of application logics;
wherein the selected nodes in the selected node layout have parameters and properties values can be changed dynamically based on business rules;
executing the selected node layout by a server program,
wherein the application logics are directly executed without compilation, and the application logics can be paused and saved during execution, the saved application logic can be restored and

execution resumed on a copy of the server program on a computer other than where is was initially started;

visually showing the selected node layout as a visual node layout;
monitoring a flow of control through each node in the node layout during execution by showing individual node execution measurement;
wherein the individual node execution measurements include usage totals, whole execution time and average execution time; and
employing a solution engine that uses networked objects to follow and manage user sessions, wherein the solution engine interfaces with an observation, personalization and pricing engine as directed by specific nodes.

21. (Currently Amended) The method of claim ~~20~~1, wherein the saved application logic can be restored and resumed.

23. (Currently Amended) A method for creating software, comprising:
providing a plurality of nodes and a directory of applications, each of an application being created by use of at least a portion of the plurality of the nodes;
wherein the at least a portion of plurality of nodes includes at least one task node interfaces with external components to exchange data information;

selecting at least a portion of the plurality of nodes to create a selected node layout that represent a plurality of application logics; wherein the selected nodes in the

selected node layout have parameters and properties values can be changed dynamically based on business rules;

defining the application logic by selecting at least one of GUI parameters and options in each selected node;

executing the selected node layout by a server program; wherein the application logics are directly executed without compilation, and the application logics can be paused and saved during execution, the saved application logic can be restored and execution resumed on a copy of the server program on a computer other than where is was initially started;

visually displaying the selected node layout as a visual node layout;

monitoring a flow of control through each node in the node layout during execution by displaying individual node execution measurement;

wherein the individual node execution measurements include usage counts, total execution time and average execution time; and

using a solution engine that utilizes networked object to track, control and manage user sessions, wherein the solution engine interfaces with an observation, personalization and pricing engine as directed by specific nodes.

36. (Currently Amended) A method for creating software, comprising:

providing a plurality of nodes and a directory of applications, each of an application being created by use of at least a portion of the plurality of the nodes;

wherein the at least a portion of plurality of nodes includes at least one task node interfaces with external components to exchange data information;

selecting at least a portion of the plurality of nodes to create a selected node layout that represent a plurality of application logics; wherein the selected nodes in the selected node layout have parameters and properties values can be changed dynamically based on business rules;

defining external application interfaces; ~~and~~

executing the selected node layout by a server program; wherein the application logics are directly executed without compilation, and the application logics can be paused and saved during execution, the saved application logic can be restored and execution resumed on a copy of the server program on a computer other than where is was initially started;

illustrating the selected node layout as a visual node layout;

observing a flow of control through each node in the node layout during execution by illustrating individual node execution measurement;

wherein the individual node execution measurements include usage tallies, entire execution time and mean execution time; and

using networked objects to track, control and manage user sessions to interface with an observation, personalization and pricing engine as directed by specific nodes.

REASONS FOR ALLOWANCE

8. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, each of an application being created by use of at least a portion of the plurality of the nodes, wherein the at least a portion of plurality of nodes includes at least one task node interfaces with external components to exchange data information; selecting at least a portion of the plurality of nodes to create a selected node layout that represent a plurality of application logics, wherein the selected nodes in the selected node layout have parameters and properties values can be changed dynamically based on business rules; executing the selected node layout by a server program, wherein the application logics are directly executed without compilation, and the application logics can be paused and saved during execution, the saved application logic can be restored and execution resumed on a copy of the server program on a computer other than where is was initially started; visually showing the selected node layout as a visual node layout; monitoring a flow of control through each node in the node layout during execution by showing individual node execution measurement; wherein the individual node execution measurements include usage totals, whole execution time and average execution time; and employing a solution engine that uses networked objects to follow and manage user sessions, wherein the solution engine interfaces with an observation, personalization and pricing engine as directed by specific nodes as recite in independent claims 1, 23, and 36.

The closest cited prior art, the combination of SoftWire (**SW**) Graphical Programming as taught in USPN #6,425,121 B1 issued July 23, 2002 and filed June 14, 2000 in view of Visual Basic 6 (**VB**) as documented in Rob Thayer's text book Visual

Basic Unleashed (September 11, 1998). SoftWire states the invention is an add-on to Visual Basic (SW, col 2, lines 1-16 and col 6, lines 37 - 53) in further view of Template Software's Workflow system Chapter 9 from 1998 (**WFT**) and in view of USPN # 6,810,401 B1, Thompson et al, issued October 26, 2004, teaches a method for creating software. However, the combination of SW, VB, WFT, and Thompson, fails to teach each of an application being created by use of at least a portion of the plurality of the nodes, wherein the at least a portion of plurality of nodes includes at least one task node interfaces with external components to exchange data information; selecting at least a portion of the plurality of nodes to create a selected node layout that represent a plurality of application logics, wherein the selected nodes in the selected node layout have parameters and properties values can be changed dynamically based on business rules; executing the selected node layout by a server program, wherein the application logics are directly executed without compilation, and the application logics can be paused and saved during execution, the saved application logic can be restored and execution resumed on a copy of the server program on a computer other than where it was initially started; visually showing the selected node layout as a visual node layout; monitoring a flow of control through each node in the node layout during execution by showing individual node execution measurement; wherein the individual node execution measurements include usage totals, whole execution time and average execution time; and employing a solution engine that uses networked objects to follow and manage user sessions, wherein the solution engine interfaces with an observation,

personalization and pricing engine as directed by specific nodes as recite in independent claims 1, 23, and 36; and as point out in applicant's Remarks, pages 9-11.

These claimed limitations are not present in the prior art of record and would not have been obvious, thus all pending claims 1-14, 16, 18, 21, 23, and 27-40 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Deng whose telephone number is 571-272-5989. The examiner can normally be reached on Mondays to Fridays 9:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anna Deng/

Examiner, Art Unit 2191

10/24/2008

/Wei Y Zhen/

Supervisory Patent Examiner, Art Unit 2191